

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

ROBERT AGOSTISI,

Docket No. 21-cv-07182
(NJC) (SIL)

Plaintiff,

-against-

JOHN BENDO, SCOTT MANDEL, JOHN McNALLY,
MICHAEL DELURY, KAREN MCINNIS, and
ELIZABETH TRESTON, and the CITY OF LONG
BEACH,

Defendants.

-----X

**AFFIRMATION OF
RICK OSTROVE IN SUPPORT
OF RENEWED MOTION TO
COMPEL**

Rick Ostrove, and attorney duly admitted to practice before this Court affirms the following to be true under pains and penalties of perjury:

1. This firm represents Plaintiff in the above-captioned matter. I submit this affirmation to provide exhibits in support of Plaintiff's renewed motion to compel the production of attorney-client privileged communications.
2. Attached and listed below are the following exhibits which are cited in the accompanying memorandum of law, all of which were produced in discovery (except the State Action Complaint):

Exhibit A	LI Herald.com Articles "New Wave Democrats sweep Long Beach City Council Primary" dated June 25, 2019 and "McInnis, Treston and Delury declare victory in Long Beach council race; Ford wins re-election" November 6, 2019.
Exhibit B	Letter to Long Beach City Council from the Office of the Nassau County District Attorney dated November 26, 2019.
Exhibit C	Letter to City of Long Beach from Acting Corporation Counsel Gregory Kalnitsky, dated November 27, 2019.

- Exhibit D Letter from the office of the District Attorney to Gregory Kalnitsky dated November 27, 2019 regarding possible production of privileged communications.
- Exhibit E Resolution dated January 13, 2000 from Proceedings of the City Council, City of Long Beach, Special Meeting of January 11, 2020.
- Exhibit F Newsday Article “Attorney-Client Privilege waived in Payout Investigation” dated January 12, 2020.
- Exhibit G Agreement between the City of Long Beach and the District Attorney of Nassau County, signed on January 11, 2020 and January 15, 2020.
- Exhibit H Complaint dated July 17, 2020 in the matter of City of Long Beach v. Agostisi, 2684/2020 (“State Action”).
- Exhibit I John Gross Letter to Rick Ostrove dated December 14, 2022 regarding discovery in the State Action.
- Exhibit J Powers Declaration dated September 11, 2023.
- Exhibit K NCDA Statement and Report.
- Exhibit L Emails relating to the production of Ascarh Memo to NCDA.
- Exhibit M Plaintiff’s Privilege Log dated December 1, 2023.
- Exhibit N Order of the Honorable A. Kathleen Tomlinson dated February 25, 2019.

DATED: Carle Place, NY
January 25, 2024

Respectfully submitted,

LEEDS BROWN LAW, P.C.
Attorneys for Plaintiff
1 Old Country Road
Carle Place, New York 11514
(516) 873-9550
rostrove@leedsbrownlaw.com

s/
RICK OSTROVE

To: All counsel (via ECF)